

[Rollcall Vote No. 365 Ex.]

## YEAS—55

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Rounds
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Tillis
Duckworth	Merkley	Van Hollen
Durbin	Murkowski	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Graham	Ossoff	Wyden
Grassley	Padilla	
Hassan	Peters	

## NAYS—42

Barrasso	Ernst	Paul
Blackburn	Fischer	Portman
Blunt	Hawley	Risch
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Shelby
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young

## NOT VOTING—3

Hagerty	Sasse	Warnock
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The nomination was confirmed.

## VOTE ON NARDACCI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Anne M. Nardacci, of New York, to be United States District Judge for the Northern District of New York?

Mr. CARDIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. HAGERTY) and the Senator from Nebraska (Mr. SASSE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 366 Ex.]

## YEAS—52

Baldwin	Gillibrand	Markey
Bennet	Graham	Menendez
Blumenthal	Hassan	Merkley
Booker	Heinrich	Murphy
Brown	Hickenlooper	Murray
Cantwell	Hirono	Ossoff
Cardin	Kaine	Padilla
Carper	Kelly	Peters
Casey	Kennedy	Reed
Coons	King	Rosen
Cortez Masto	Klobuchar	Rounds
Duckworth	Leahy	Schatz
Durbin	Lujan	Schumer
Feinstein	Manchin	Shaheen

Sinema	Tillis	Whitehouse
Smith	Van Hollen	Wyden
Stabenow	Warner	
Tester	Warren	

## NAYS—44

Barrasso	Ernst	Paul
Blackburn	Fischer	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Romney
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Lankford	Sullivan
Cornyn	Lee	Thune
Cotton	Lummis	Toomey
Cramer	Marshall	Tuberville
Crapo	McConnell	Wicker
Cruz	Moran	Young
Daines	Murkowski	

## NOT VOTING—4

Hagerty	Sasse
Sanders	Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Jerry W. Blackwell, of Minnesota, to be United States District Judge for the District of Minnesota.

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. KAINE. Madam President, I would like to ask for an opportunity to engage in a colloquy with my colleague from Virginia, Senator WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REMEMBERING A. DONALD MCEACHIN

Mr. KAINE. Madam President, I am trying to make Senate history as the first Senator to give a speech with a visual aid that is a picture of a T-shirt. So we will see if the Senate Historian will back me up on this.

This is a T-shirt that is 21 years old, and it is a Warner-Kaine-McEachin T-shirt. I had moved recently from my house of 30 years into a condo, and there were boxes of stuff that still months later I am trying to unpack. Over the weekend, I got into one of these boxes, with a little free time at the end of Thanksgiving weekend. The goal was to go through it and throw away as much as I could.

I was going through these T-shirts, and I came across this one. This is a T-shirt from a 2001 campaign in Virginia where three longtime friends—MARK WARNER, TIM KAINE, and Donald McEachin—shared a ticket running for Virginia Governor, Lieutenant Governor, and attorney general.

When I came across the T-shirt, the first thing I noticed is that I am a little bigger than I was 21 years ago, and it doesn't really fit, and so I put it in the Goodwill pile. But then, as I got

through the whole box and I was about to make that decision, I thought, you know, I think I should pull this one out of the Goodwill pile and save it, and I did. I washed it, and I put it in the drawer.

Obviously, MARK and I are here on the floor today because our dear friend Donald McEachin, 61 years old, Member of Congress, from Virginia—my congressman, the Fourth Congressional District—we got the surprising news last night, and I heard about it first from MARK, that Donald had passed away in his sleep at home in Richmond and had been found by his wife Collette, who is also a very dear friend. So MARK and I wanted to come to the floor today and just talk a little bit about Donald. I will talk for a bit and then ask MARK to offer his reflections.

I met Donald when I was 26 years old and he was 24. I met MARK 4 years before. So these are three people who have known each other now for basically 40 years. I had moved to Richmond, where I only knew one person in Virginia—my soon-to-be wife. I had taken a job at a law firm, and I was given the last office down the hall.

A few months after I joined the firm in September of 1984, a very personable guy came in and said, "Who is in my office?" And it was Donald McEachin. Donald had worked at the firm as a summer associate the summer before and was now at the University of Virginia Law School and came to find me occupying the place where he had worked the previous summer. His challenge to me began a wonderful friendship.

Donald soon graduated from the University of Virginia and came to Richmond, the city of his birth and upbringing, to practice law at a different firm. We had cases together. Soon after he came, he became engaged to an attorney, who is now the Commonwealth's attorney, the chief prosecutor in Richmond, Collette Wallace—Collette Wallace McEachin. They had a big wedding party in Richmond at the Marriott Hotel, which my wife Anne and I were proud to be invited to. And we just began this wonderful friendship with these two couples.

Donald was one of the most successful trial attorneys in Richmond. He started a firm after he had practiced with a larger firm. He and two great twin brothers, Donald and Earl Gee, started a wonderful law firm. He won history-making verdicts in Virginia as a plaintiff's personal injury lawyer, but he was always passionate about public service. He had gone to American University and had been president of the student body there. Then when he went back to Virginia to go to UVA Law School, he always had in his mind that he wanted to do something in the public service realm.

So about the time I was running for city council in Richmond in 1994, Donald ran and successfully became a member of the Virginia General Assembly in the House of Delegates. He

served there with distinction, especially in leadership roles on the Courts of Justice Committee, where he played a key role in the formation of the Virginia judiciary and Virginia criminal and civil procedure, until he, a legislator; MARK WARNER, a prominent philanthropist and Virginia entrepreneur; and TIM KAINE, at that time the mayor of the city of Richmond, landed on a ticket together in 2001. We ran statewide an amazing case.

At that time in Virginia, getting elected as a Democrat was like being Harry Houdini in trying to work your way out of an impossible escape situation. It was very, very difficult.

MARK really set tremendous history by winning the first big statewide race in a number of years as a Democrat, and I had to win my own race. I wasn't on the ticket with MARK, but his strong performance at the top helped me win the Lieutenant Governor's race. Donald McEachin did not win his race. He was not elected to attorney general. No shame in that. We all know this. We are in a line of work where wins are common and losses are common. MARK doesn't like to be reminded that he lost a race for the U.S. Senate in 1996, although I have often heard him say with magnanimity that in that race, the right Warner won. I have not yet had such magnanimity about the race I lost in 2016, but I will let that pass.

The wonderful thing about Donald McEachin when he lost that race for attorney general was that it meant that he was now not in the house of delegates. He went back to practicing law, representing people who often had no one else to represent them. Then a few years later, he successfully ran and became a member of the Virginia Senate and started chapter two in his political life.

He was a fantastic member of the senate because of the fact that he already had experience in the house of delegates. He achieved leadership quickly and was really looked up to as one of the lions of the Virginia Senate.

Here is something about Donald that is pretty amazing, and then I will quickly hand it over to MARK. He had already been successful in politics in the house of delegates and now in the Virginia Senate. He had been tremendously successful as a lawyer for people who really needed representation. He had built a wonderful marriage with Colette, and he was an understanding and caring father to three beautiful children. But Donald decided he needed something more in his life, even with all of that. So when he was in his forties, he decided to go to Virginia Union, which is a historically Black college in Virginia that was founded in the aftermath of the Civil War to educate newly freed slaves. He decided to go back to college in his forties and get a divinity degree, and he did, for nights and weekends for years, studying so he could get a theology degree because he wanted to ground his public service in

something more than campaigns and polls. He wanted to really ground it deeply in values. That is the kind of person Donald McEachin was.

And 2016 wasn't a great year for me being on a national ticket and losing, but there was one really great thing that happened in 2016. Donald McEachin decided to leave the State senate and run for Congress in the Fourth District that had been newly reconfigured following a voting rights lawsuit in Virginia. MARK and I were so happy when he got into that race, and we worked very, very hard to help him succeed. On election night 2016, we got the band back together.

And with that, I want to yield to my colleague from Virginia, Senator WARNER.

Mr. WARNER. Thank you, Senator KAINE, the Presiding Officer, and my friend from Illinois.

Tim and I have been friends for 42 years. We met in law school. It has become a standard line: We didn't meet in the library. But this has been a friendship that lasted 42 years.

Donald and TIM go back to the mid-1980s. I first met Donald McEachin in 1989. We went through a series of fluky activities, which I won't bore the floor with. I ended up becoming campaign manager for Doug Wilder's then-extraordinary, historic run for Governor. He was the first African American running for Governor in our country's history and was elected in his own right.

I met this young man, Donald McEachin. You couldn't help but know him. Donald was in a law firm at that point, McEachin & Gee, that had everything—the billboards, the TV commercials. And we started a friendship, similar to what TIM talked about, with Donald.

My daughter's birthday was last week, my 33-year-old daughter. She remembers that decade, in the 1990s and the early 2000s, when we were campaigning together. TIM's family, our family, and Donald and Colette's family kind of—whether they liked it or not, all of these kids were thrown together because we were all engaged in politics. She remembered Donald—and TIM mentioned this in his comments right after the election or right after his passing 2 nights ago—as a gentle giant. Donald was a big guy, 6 feet 5 inches, and kind of looked like a football player. Don't mistake his gentleness for lack of passion and commitment. He was an extraordinarily caring, listening, compassionate human being.

I will take a moment and just talk about the fact that, in my campaign in 2001, we didn't always agree on things. He wasn't totally keen on things I was trying to do to solicit hunters and other folks, but we spent a lot of time campaigning in rural Virginia, in the south side of Virginia, southwest Virginia, in parts of Appalachia, Shenandoah Valley. And Donald had been born abroad, but had grown up in urban areas around Richmond.

Taking a guy with his presence—but also, frankly, somebody who had been a leader from Richmond, an African American, into a lot of these rural communities—he had an amazing ability to just immediately relate to people.

He would have been a great, great attorney general, but I want to echo what TIM said and that is, he didn't take the defeats and say: I will take my marbles and go away.

No, he said: I still have public service in me.

He went back and, as Senator KAINE indicated, played an incredibly important role in the Virginia State Senate. Again, Democrats were trying to reclaim the majority. He was a leader, and he came to the Congress.

TIM and I were together for a moment of silence on the floor of the House last night at about 7:30 and a number of Members, Democrats and Republicans alike, came up and said: Oh, my gosh, this was such a loss.

Donald was such an incredible figure. One of the things—and there were so many issues he cared about. I will briefly mention two and then talk a bit more about the last couple of years with Donald and turn it back over to TIM.

Donald had always been an environmentalist. He was one of the first people, candidly, that I knew that came on a regular basis, linking environmentalism and social justice, pointing out—not just in the last 30 years or 40 years, but the last 60 years, 70 years in the country—that whenever you had a project, whenever you had a runoff, whenever bad water or bad air, those circumstances were way disproportionate to places in poorer communities. He was passionate about the linkage between the need for us to clean up our planet but also to recognize that the disadvantages that came with pollution often fell too much on poorer communities.

In Virginia, as I think many of my colleagues will know, we have had a troubled history with race, and, unfortunately, when you tell Virginia's history—the good, the bad, the ugly—part of it was pretty ugly. TIM had not only come to Virginia because of his brilliant wife Anne Holton but to be that voice for righting some of these wrongs.

All three of us are adopted Virginians. Virginia's history in terms of resistance to integration and massive resistance is still a plight. If you look at any State in the country where there was a disproportionate number of statues and memorials to Confederate figures, Virginia, far and away, topped the list. There is a lot of talk, and probably many people who are listening recall some of the controversy around some of the Civil War Confederate statues in the city of Richmond. But what Donald took on was the question of Fort Lee, the heart of his district, a terribly important training facility.

He made sure that, as Fort Lee went through its renaming process, he had it renamed for the highest ranking African-American service person he knew of who served at Fort Lee. It could have been something where he said: Who needs that fight? Donald McEachin took on that fight and did it in the right way—social justice and environmentalism. Who needs that? Talk about Sisyphus pushing the rock up the hill time and again. Making that connection and continuing to advocate for it, that is the kind of guy Donald McEachin was.

The last part was the last couple of years. Donald, in about 2015, 2014, got hit with cancer. Donald—this big, big man—we literally saw him, at least physically, shrink before our eyes. He lost 60, 70, 80 pounds. He was in for surgery after surgery. So many times I would see him, and, partially, it was his character and, partially, I think, it was his faith. I remember talking to him about going back to Virginia to get that divinity degree.

He never complained. Whenever you asked, “How are you doing?”—I am getting better. I am getting better. I am getting stronger.

Lord knows there were times in the last couple of years where you could—you might not see it, but you could—see the pain in his face. He would almost shuffle until he would get behind the podium. Then that spirit and voice and that call for justice would come back.

We all knew he had been sick, but I remember—I know TIM was with him on election night and we had a number of communications afterward. He was already planning his agenda, not only for the next Congress but how we could get more engaged with the general assembly and doing the right thing in Virginia politics.

The other night, when I got the call, the first person I called was TIM. We think about the band, when we were together in 2001. Hopefully, we took the progress of Virginia a little bit more forward, and Donald continued that progress in the State senate and in the House of Representatives.

Virginia lost a great leader. Our country lost a leader in the House.

I can't speak for TIM—but I think I can. TIM and I lost a great friend. We are here today to honor his service, to recommit ourselves to that kind of service, to continue to acknowledge Colette and their three children. We will be there for them as they go through this grief process. But we wanted to take a moment of the Senate's time and share with you some of our reminiscences about our friend Donald McEachin.

I turn it back.

Mr. KAINE. I want to thank Senator WARNER for his very great comments. I am getting emotional hearing him recount these stories.

MARK, I remember once—you were talking about how Donald would never complain. He literally changed over-

night, seemingly, in his physical appearance because he lost so much weight. His hair turned gray, and he started to stoop and walk with more of a shuffle. I remember once walking through the halls here between the House and the Senate and someone was ahead of me.

Who is that old guy? Who is that old guy?

It was not until I caught up with him—because we had been doing so much by Zoom that sometimes we didn't see each other physically for a couple of months. When I caught up with him, I realized it was Donald. As MARK said, if you asked Donald: How are you doing? Hey friend, it looks like things are tough right now.

I am getting better. I am on the mend.

Donald didn't decide to keep things private. He just didn't think about himself. Donald was not a guy who thought about himself.

Somebody first told me a great definition of humility is not to think less of yourself; it is to think of yourself less. Donald was a person who really exemplified that.

When we were on the House floor last night, the Virginia delegation gathered to do a moment of silence for Donald, and the deans of each side of our delegation, Congressman SCOTT, the Democrat, and Congressman WITTMAN, the Republican, each gave tributes to Donald. There was a white rose display sitting on Donald's chair, which is a tradition in both bodies when someone dies when they are in office.

I happened to visit with G.K. BUTTERFIELD, the retiring Congressman who sat next to Donald, and G.K. told me that so often, when they were on the House floor, Donald would be doubled over because he would be in so much pain. But he would never complain. He would never complain.

We have lost a great friend.

I have said about Donald that he will have a successor, but he won't have a replacement.

It is just an honor to come and share with all of you the recollections about our friend, a great Virginia public servant, a history maker.

I will just say that we got the band back together in 2016, and I look for the day when we will get the band back together again.

I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Alaska.

UNANIMOUS CONSENT REQUEST—S. 5130

Mr. SULLIVAN. Mr. President, I rise today to introduce a bill that I want to try to pass right here on the Senate floor, that I believe every single Senator should vote for.

If you are an American and you are watching this, if you are a marine and you are watching this, you are going to be outraged. You are going to be outraged. I am outraged.

But we can fix this problem. You are seeing it on TV every damn day. And

here is what it is: U.S. marines and their families are being preyed upon by unscrupulous trial lawyers. Yes, it is amazing that it is happening right now.

I have a bill that is called the Protect Camp Lejeune Victims Ensnared By Trial-lawyer's Scams Act, or the VETS Act for short. And here is what is the background. And, again, I really hope no one is going to come down and object to this because, boy, you would have a lot of explaining to do to the American people and to the U.S. marines.

But what has happened, every American has seen it, right? You can't turn on TV anymore—CNN, FOX News, you name it—there is a trial lawyer ad a minute. Here are some of them: Camp Lejeune marines, Camp Lejeune marine families, have you been wronged?

Now, there was a provision in the PACT Act that we all passed here that said marines exposed to water contamination at Marine Corps base Camp Lejeune needed to get compensated. We all supported—I supported that, OK, but then something happened. The trial lawyers of America kicked in, and they are grabbing all the money. And the sick marines and their families aren't getting any.

Now, look at these ads, we had a hearing on this in the Veterans Affairs' Committee 2 weeks ago. I asked questions about this. The VA is getting phone calls. I am going to talk a little bit about the VFW and the American Legion which support my bill I want passed right now. I asked the VA representative, how much of this is happening, and they estimated already a billion dollars in ads.

Look at them. Every American has seen them. A billion dollars. Do you think the trial lawyers are spending a billion out of the kindness of their hearts? out of wanting to help the U.S. marines? No. I don't think so—a billion dollars already spent.

Now, look, I don't blame the marines who dial these 1-800 numbers that they see on the screen. Imagine if you are listening: Hey, I am a marine. I am sick. I am going to call these guys.

But I do blame the trial lawyers, and I blame a lot of my colleagues here who are using sick marines to get rich. That is what my bill is going to change.

Like I said, it is called the veterans act—the VETS Act, OK. Let me unpack this a little bit. Like I said, when the PACT Act passed, it had this legislation to compensate veterans who were sickened by toxins from water at Camp Lejeune, very innovative, and to be clear, again, we need to take care of these marines and their families and others at Camp Lejeune.

The problem, however, is when the PACT Act was passed, my colleagues on the other side of the aisle, unfortunately after agreeing to amendments, decided it was time to block all amendments. So we had no ability to amend the act. We would have made it much better.

But one area where we really wanted to amend the act was that this scam by trial lawyers was predictable. Not only was it predictable, the Biden administration's Justice Department predicted it. They warned us, without a cap on contingency fees, that predatory law firms would grab the lion's share of the judgments going to sick marines and their family members.

Again, the lawyers get billions; the marines, who are sick, get crumbs. The Biden administration said: Hey, you guys have to be aware. So what did we do? Senator INHOFE brought an amendment saying let's put a cap. The Biden administration said a 10-percent cap on contingency fees. Sounds fair.

The rumors we are hearing already is that unscrupulous trial lawyers are charging 50 and 60 percent contingency fees for sick marines. The Biden administration said cap it at 10 percent. We put forward an amendment that was going to cap it at 10 percent. My colleagues on the other side of the aisle blocked it. I wonder what is going on there. We know they love to enrich trial lawyers.

The President of the United States' Justice Department asked us to address this before it would become a problem. But my colleagues chose trial lawyers over sick marines.

As a result, some marines have already lost money because of scams. Some of these law firms are promising big paydays. Of course, they are asking for money upfront, much of which they will likely use. Others are being used without getting any money. A recent media story highlighted a marine in Kentucky whose face was used in an ad claiming he received a \$35,000 settlement. In fact, he told a reporter he got 35 cents. How is that for justice? I hope Jon Stewart is listening, by the way. Maybe he can help us on this one.

The VA, local governments, organizations, veterans groups are frantically trying to warn veterans about these scams that I just showed you, but there isn't much they can do when they see this barrage of a billion dollars of advertising. Right now it is probably up to—heck, I asked this 3 weeks ago. It is probably up to 1.5 billion. So they don't know.

Here is what the American Legion said at a recent American Legion meeting:

WHEREAS, Predatory law firms charging exorbitant fees have engaged in aggressive marketing campaigns [hurting veterans]. . . . The American Legion urges Congress to provide the necessary oversight [for] the implementation of the Camp Lejeune Justice Act to ensure veterans receive fair consideration.

Sounds pretty good. American Legion, we all like them. I am a member, by the way. By the way, I am a U.S. marine, too, which makes me really mad about this. So they are all supporting my bill. It is a simple bill. The VFW has come out in support of my bill as well. What does my bill do?

Well, No. 1, it goes back to the Biden administration's Justice Department

recommendations. So I am doing, right now, on the Senate floor, what the Biden administration's Justice Department told us to do—10 percent cap on contingency fees, 2 percent cap for filing the necessary paperwork. All right. Sounds pretty fair. It is actually not that fair because, by the way, they are not doing a lot of work.

The government doesn't have a defense in these lawsuits. This isn't like some giant litigation. Marines, if you are listening, you can do this without a trial lawyer's help. You don't need it. Don't be fooled, but they are being fooled. OK. We know that. Everybody knows that. It was predicted it would happen.

So all we are going to do is go back to the Biden administration's recommendation: 10 percent cap on contingency fees, 2 percent for filing paperwork. And it does one other thing—and by the way, shame on the VA on this. They have been good. They are worried, but shame on the VA on this.

And, again, you wonder who is running this administration, probably a lot of trial lawyers. The VA issued a reg that said the payments to the sick marines that are being awarded would enable the VA to pay the lawyers first and then the marines who are sick second. That is the VA's own reg. Can you imagine that? Can you imagine that?

Most of the time when you hire a lawyer with a contingency fee, the client gets the money, and then you pay your lawyer. Right now, the VA wrote a reg, saying: Let's pay the lawyers first, and the sick marines will get paid second. That is in a reg.

So my bill is very simple: There is a 10-percent cap on contingency fees. That is fair. That is what the Biden administration's Justice Department recommended. There is a 2-percent cap for filing paperwork. Heck, should be 1 percent in my view. We are giving them a gift. And it gets rid of this outrageous reg from the VA to pay the trial lawyers before you pay the U.S. marines who are sick.

Simple bill, but it will have a huge impact on the sick marines who deserve compensation. And it will let them and their families, many of whom are old—remember, this is from marines who served in the 1980s at Camp Lejeune—it will let them and their families not have to deal with these unscrupulous trial lawyers who are taking their money.

This sickens me. I have not seen an issue that is so wrong. That is so wrong. We saw it coming. The Biden administration, to its credit, saw it coming. We tried to fix it. My colleagues on the other side of the aisle blocked it, and so I am just trying to fix it.

The VFW wants us to fix it. The American Legion wants us to fix it. I guarantee you, if you are an American watching this right now, you want us to fix it. The U.S. marines who sacrificed their lives for our Nation want to fix it. So it is a simple issue.

I would be shocked if one of my Democratic colleagues came down here and blocked my bill. But if you do, it is going to answer the question: Whose side are you on; trial lawyers getting rich or the side of U.S. marines who right now are getting crumbs?

So, as in legislative session, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 5130 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to consider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me first salute my colleague from Alaska for his service to our Nation in the U.S. Marine Corps and to salute all our veterans for serving our Nation and tell them that as chairman of the Senate Judiciary Committee, the bill which the Senator from Alaska introduced 13 days ago is within the jurisdiction of this committee, and I am more than happy to sit down with him and to discuss righting wrongs, changing language, responding to this in the right way. But I have to say that the Senator from Alaska did not tell us the whole story.

The whole story is a little different, significantly. Back in days gone by, I was a trial lawyer—yes, I just admitted that on the floor of the U.S. Senate—for a living. It goes back many years, 1982 was the last time I ever practiced law, but I handled personal injury cases before Federal courts and State courts in Illinois.

I still have memories of that experience and enough of a memory to suggest that there are parts of the story that the Senator from Alaska did not include which are really relevant to this conversation, and it is an important, timely conversation.

It is worth reflecting on the fact that we are dealing with Camp Lejeune, a Marine Corps base in North Carolina. It is legendary. It has so many historic achievements for the men and now women who are being trained to serve in the Marine Corps who have gone through Camp Lejeune and with that training set out to defend America and to offer their lives and many of them gave their lives in that process. And so it is understandable that Camp Lejeune has this unique place in American history, but it also has a unique place in American environmental history.

You see, there was a determination in 1980 that the water that Marine Corps recruits and officers and their family were drinking at Camp Lejeune was "highly contaminated." "Highly contaminated." The year was 1980. When did the government acknowledge this problem? Seventeen years later, seventeen years with all of these marines, the officers and the recruits and

their families exposed to highly contaminated water sources.

You want to get angry? I get angry over that. Contamination discovered but not disclosed for 17 years.

Well, then you say: Well, thank goodness they have discovered it and admitted it. That must have taken care of the problem. It didn't even get close to addressing the problem because there were all sorts of legal defenses that were raised to the families who were pleading for help.

Many of them felt the birth defects in their families, neurological issues, cancers, and even deaths were attributable to this highly contaminated water. And yet they couldn't recover. They couldn't recover.

It took this Congress and this President, Joe Biden, to decide to change that.

And so in August of this year, the Veterans' Committee reported to the floor the PACT Act, and included in the PACT Act was an opportunity for the families who had been harmed—and many members of the family may have died—to finally be compensated.

Well, the Camp Lejeune Justice Act corrected the situation and enabled the veterans and their families who suffer from health effects of Camp Lejeune contaminated water to bring Federal lawsuits in the Eastern District of North Carolina against the Federal Government to seek economic and non-economic damages.

Now, there is an earlier approach you can use before you take this to Federal court, taking it to the Navy JAG Tort Claims Unit to see if they accept your claim for damages to your family, for medical bills, lost wages, whatever it happens to be.

The Navy can accept the claim, settle the case. If the Navy denies the claim or does not act within 6 months after you filed it, the victim has to file the lawsuit in Federal court.

So, first, there is an administrative opportunity for the Navy to pay, to say it is a legitimate claim, let's pay it.

But if they fail to act within 6 months or refuse the claim, your recourse is to go to the Federal district court.

Now, let me tell you what that entails—a lawsuit, a lawsuit where you have to prove damages. Now, that takes some doing in a Federal court.

If this were a compensation fund, you could understand where they would say: Well, you are going to automatically recover. The question is, How much? You have to prove the damages are related to the contamination of the water at Camp Lejeune. And when you have proven that there is a proximate cause, a relationship, then you have to prove up your damages.

At what point do you want to do that alone in a courtroom? Perhaps you do. I wouldn't even want to do it without some advice from some group.

If it were accepted that liability was already established, if it were accepted what the standard damages might be,

then a legal fee should reflect that. I don't argue with that at all. I am happy to work with the Senator in that regard.

But what do you do for the cases where you have to prove it? Yes, I was in Camp Lejeune. I was working there, my family was there, between 1953 and 1987 or any other period of time. You have to establish all that in a court. What does it take to establish that in a court? It isn't just a simple declaration in a courtroom under oath—depositions, interrogatories, discovery process. It is all part of a Federal court case. Do you need a lawyer for that? I would recommend to anyone, don't do it alone. You could stumble, fail to make something important a part of the record, and not recover a penny when it is all said and done.

The question is, How much should the lawyers be paid?

Well, once again harkening back to decades ago when I did this for a living, they do it on a contingency fee. A contingency fee basically says: I get paid if you recover. If you don't recover, I don't get paid.

How much do I get paid? Now, that is an issue we ought to bring up, I would say to Senator SULLIVAN, in conversation. How much should you get paid for this?

The usual fee is a third. I charged much less. If you were in a case with workers' compensation where you didn't have to prove liability, it might be 20 percent. The Senator from Alaska is suggesting 2 percent.

Well, I am sorry to tell you, but you are not going to get a competent attorney to take the case and represent any marines at 2 percent.

The 10 percent, which he referred to and quotes the Department of Justice as the source, was for the case where there was no adversarial event in court. It is a case like a compensation case, where you say—you automatically don't have to prove that it happened to you, just prove up your damages. That is a different case altogether.

So here is what I would like to say. I sympathize with your complaint that television screens are being inundated with advertising from trial attorneys. I don't know who they are. I couldn't name one of them personally, but I know that they see this as an opportunity. Why? Because they have 2 years from our passage of this act to file a lawsuit. So they are anxious to get this done, move forward. I am sure those who were injured in the process would also like to move forward.

So I would say to the Senator from Alaska: Let's sit down together. The bill that you introduced almost 2 weeks ago is the starting point of a conversation which should take place. It is an important one. But at the end of the day, these marines and others who were victims of this water contamination waited for years for the opportunity for compensation.

Because the U.S. Congress passed the PACT Act and because President Joe

Biden signed it into law, they have their day in court, if necessary. That is a remarkable achievement when you consider how far back this goes. It is remarkable.

We want to make sure that those marines who were denied justice all those years leading up to the passage of that legislation have an opportunity to recover or their day in court, if that is what it takes. But we also don't want to handcuff them with attorneys representing them who would accept 2 percent as a fee or 10 percent as a fee.

You just don't understand, Senator, that if I am going to prepare the case to take it into a Federal court, work—good work is involved in a good case.

Do some of these lawyers overcharge? You bet they do, and you and I can talk about that and the disclosure and the actual contingency fee so that marines and their families know what they are getting into and decide for themselves based on that knowledge.

In terms of whether the marine should be paid or the lawyer first, there is no question about it. The marine should be paid, no question about it. And we can clarify that as well. I think that is something we should do.

What I say to you, I offer to work with you on this to make sure that we do not deny a day in court or deny adequate representation to the marines who are seeking to recover. Let us expose those who may be exploiting the situation together. I join you in an outrage against that kind of phenomena, but in the meantime, let's do something positive and bipartisan that gives these marines justice. They have waited too long. And let's do it as soon as we can.

I am going to object at this moment, but I am not going to quit on this issue if you want to continue. I want to work with you.

The PRESIDING OFFICER. Objection is heard.

Mr. SULLIVAN. Mr. President, I want to let my other colleagues speak, but as the chairman mentioned—I have a lot of respect for the chairman. You can tell he is a good trial lawyer, but he said I don't understand.

Actually, I do understand. I understand a lot of what is going on here, and, unfortunately, I understand the power of the trial bar that blocked a lot of this. That is what happened. We know it.

My colleague mentioned 2 percent. Remember, this is the Biden administration's recommendation. It is not like they are enemies of the trial lawyers—2 percent to file a fee. OK? You can file a fee in your sleep. That is pretty generous, and 10 percent when—I am not sure the chairman has read his own bill, but the Camp Lejeune Justice Act actually restricts the Federal Government from making traditional defenses in court, making the job of lawyers much easier and much less burdensome, which is a whole other reason you need 10 percent. Ten percent is generous. Ten percent is a compromise.

So here is my question for the chairman, again, whom I have a lot of respect for.

It doesn't kick in for 2 years, but every single day, one of these marine's families is getting scammed, and we all know it. We see it. Why the heck did the trial lawyers spend a billion dollars in ads? out of philanthropy? No, so they can get even wealthier.

So here is my request, and I hope the chairman will take it on. He is the chairman of the Judiciary Committee. We still have time before the end of this year. Bring this to the committee, mark it up. You do markups every Thursday to consider nominees. No offense to the nominees. U.S. marines who are sick are a lot more important. Address this right now.

So if I can get the chairman's commitment to work with me and others who care about this, to mark up this bill and UC it with us before the end of this Congress and get it over to the House to get justice for marines—not for trial lawyers—I would welcome that commitment from the chairman before the end of the year.

Is that something that you would agree to, Mr. Chairman?

Mr. DURBIN. I will agree to work with you on this.

Mr. SULLIVAN. By the end of the year?

Mr. DURBIN. I can't tell you that we are going to achieve it in 3 weeks.

Mr. SULLIVAN. Oh, I think it is pretty easy. It is the Biden Justice Department.

Mr. DURBIN. I hope we can, but let's do it in good faith. I am willing to sit down with you and work on it. Anyone who is trying to exploit these marines, their family, or others who were victims of this contaminated water that has been going on for decades, I have no use for them. But I do believe that in some cases they need good legal representation, and when you cap the fees where you capped them, good lawyers, frankly, are not going to accept cases. That means that marine may not get his day in court and may not get a case presented that is really critical for him and his family.

So let's try to find that happy medium. Let's try to stop the abusing that is going on, if we can. The advertising, I have seen it. Everybody—you can't miss it. It is everywhere, but the point is, let's do it in a conscientious way, thoughtful way, and as quickly as we can.

You introduced this bill almost 2 weeks ago. It is a significant change in the law. To think that we can finish it in 2 weeks, I am not sure, but I will try. At least I will give my good-faith effort to try and reach a place where you and I can agree.

Mr. SULLIVAN. Well, I hope, if you are a member the American Legion or the VFW, you want to call the Senate and tell them to get this done by the end of the year, we welcome your phone calls—welcome your phone calls.

I hope we can get that done, Mr. Chairman. I know some of my other

colleagues—Senator TUBERVILLE also feels very passionate about this.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, I want to thank my colleague Senator SULLIVAN for calling up this important legislation.

You know, I have the pleasure of serving with him on the Armed Services Committee and Veterans' Affairs Committee and am proud to join him in this effort.

You know, the brave men and women who serve in our Armed Forces know they might be asked to pay the ultimate sacrifice, but no person, no matter how selfless, joins the military willing to give up their health or their family's health because of toxic chemicals in their drinking water—nobody does.

Unfortunately, that is the reality faced by many marines who spent time at Camp Lejeune. And since the passage of the PACT Act earlier this year, we have seen unprincipled trial lawyers jump at the chance to take advantage of the situation.

The bill we are discussing closes a loophole in the PACT Act that should not have existed in the first place.

I have 500,000 veterans in the State of Alabama. I got on the Veterans' Committee to help those people.

We worked for almost a year on this PACT Act. It wasn't near complete, but at the State of the Union last year, President Biden gets up and says we are going to get this thing done, and we are going to get it done quick.

Nothing happens quick in this building, I will tell you right now. And if it does happen quick, it doesn't work.

We were probably three-quarters of the way done with it, and last year we were told we are going to take it—from the majority leader in the Senate, and said we are going to take it. We are going to run it through. It wasn't ready to go because we had things like this that were going to be a problem.

I voted against it. I caught heck from my veterans back in Alabama and still catching it. Until today, I am still explaining why I did this. And I told them: It wasn't ready to come out. A \$500 billion bill wasn't ready to come out to help the veterans of this country. It was going to have problems. And I told them: I hope I am wrong. I hope it all works. But here we are, just a few months later, and we have got our first problem. This won't be the last. This will not be the last.

One example is this section 804, the Camp Lejeune Act, while well-intentioned and meant to be right and right a wrong, this section doesn't include a critical guardrail to protect those it meant to protect.

So, currently, bad actors are able to profit from this misfortune of veterans. And, again, hopefully we can get this right. I mean, because if this—and it is not small. This is a defect of the bill that was rushed through for some unknown reason. We are going to have

other problems, but we need to correct this problem first. We are all sick of these dang commercials and all these lawyers making this money.

So as a member of the Senate Veterans' Affairs Committee, I am committed to protecting those who protected us, and I hope we all are in here. This includes doing what I can to fix this PACT Act along with my colleagues on both sides of the aisle.

I am disappointed my colleagues failed their commitment to protecting our veterans in this bill, and hopefully we can get it right.

I yield the floor to my colleague.

Mr. SULLIVAN. Thank you, Senator TUBERVILLE.

I just hope that our colleagues will do what is right for our veterans and get this done by the end of this year.

If you are a veteran or a member of the American Legion or the Marine Corps, call the Senate, call the chairman of the Judiciary Committee. I am willing to work tonight to get this done, but we cannot delay. We cannot do rope-a-dope tactics here in the Senate to give the trial lawyers the money when it should go to U.S. marines and their families.

I also want to call on my colleague Senator BLACKBURN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes prior to the scheduled vote and that Senator CARDIN be permitted to speak for up to 15 minutes prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOTS ACT

Mrs. BLACKBURN. Mr. President, earlier this month, Ticketmaster truly met its match after hundreds of thousands of Taylor Swift fans walked away empty-handed from a disastrous online ticket presale. Ticketmaster blamed a combination of demand and “a staggering number of bot attacks” for the slow-moving queues and last-minute crashes that left fans furious and with a lot of questions. They still want to know how all of those tickets that were in their carts just disappeared.

Now, this isn't the first time we have seen Ticketmaster struggle to manage bot attacks. Other popular tours have given their web developers a workout. But this time, the company failed on such an unprecedented scale that people who don't follow popular music know exactly what happened. Anytime a major company causes this level of disappointment in their customers, we see consumer protection advocates launch new demands for antitrust investigations.

And I am sure most of my colleagues know that has happened here in the Senate. Some of my Judiciary Committee colleagues have already promised a hearing to explore potential antitrust violations of Ticketmaster. But here's the problem: Spending more